

# **DELAWARE CRIMINAL BACKGROUND AND CHILD PROTECTION REGISTRY CHECKS TASK FORCE**

**October 9, 2014**

**9:00 a.m.**

**Senate Hearing Room, 2<sup>nd</sup> Floor, Legislative Hall, Dover, DE  
MEETING MINUTES**

## **In Attendance:**

The Honorable Stephanie Bolden, Representative  
Brendan Kenneale, DAIS  
Ellen Levin, Child Protection Accountability Commission  
Patricia Dailey Lewis, Department of Justice  
Karen DeRasmo, Prevent Child Abuse Delaware  
The Honorable Ernesto Lopez, Senator  
David Mangler, Department of State  
Jim Purcell, Communities in Schools of Delaware  
Jennifer Ranji, Dept. of Services for Children, Youth and Their Families (Chair)  
Angeline Rivello, Department of Education  
Robert Scoglietti, Office of Management and Budget

## **Members of the Public:**

Beverly Flannigan, Legislative Aid for the Honorable Karen Peterson, Senate  
Teresa Jones, DSP/SBI  
Patricia Justice, Dept. of Health and Social Services  
Jon Neubauton, Department of Education  
Cara Sawyer, Dept. of Services for Children, Youth and Their Families  
Kelly Schaffer, Dept. of Services for Children, Youth and Their Families (consultant)

## **1. Welcome and Introductions**

Secretary Ranji welcomed the group to the meeting. The Task Force reviewed minutes from the September meeting. The minutes were approved. Secretary Ranji provided an overview of the meeting agenda, noting we will begin discussing recommendations and the conversation might need to carry into the next meeting. Between meetings we will also start drafting and will share a draft in November, and will then have a close to final draft to review in December. Secretary Ranji walked through the possible recommendations handout. The first

recommendation will address for whom should background checks be required, specifically private schools and camps. The second category is what crimes should be prohibited and the question about whether or not we should have a baseline or standard language. The third category is what type of background check should be required. This includes how we feel about the use of private background check providers and also what we think about interim measures such as what we did for summer camps. The next category is the prevention-based category; different ways we can impart the message of safety. The fifth category is fiscal and the sixth is areas for further exploration. For the third recommendation - what kind of background checks to require - it may be a longer discussion. This ties somewhat into the discussion we had last month with Praesidium. Secretary Ranji suggested holding recommendations three and five for discussion in November. This will allow time to consider and explore the information provided by Praesidium.

## **2. Report Outs from September Task Force Meeting**

Secretary Ranji reminded the group that follow-up information was requested from Praesidium after the last meeting. Praesidium sent the information yesterday, and a thorough read through of the materials has not yet been done. Handouts were provided to the group. We asked Praesidium to provide information about the services they provide to Delaware. Praesidium listed the items they recommend, including a name-based check for \$26. The information also provides a comparison of fingerprint-based check versus name-based checks. It also states that the fingerprint-based search would not provide sex offender registry results or class B misdemeanors. A Task Force member stated SBI gets all information including sex offender registry, as does FBI. Cara Sawyer noted that Praesidium said fingerprint only picks up serious misdemeanors, which goes back to an old rule about only being fingerprinted for serious

misdemeanors. A Task Force member responded that people are fingerprinted for most charges and any fingerprints are sent to FBI. Secretary Ranji stated if there is an older conviction they may not have been fingerprinted. Pat Dailey Lewis noted that most organizations couldn't make hiring decisions based on arrest records. Some organizations can consider arrests however, and she provided caution about it being correct that arrests can't be considered. She stated it would be most correct to say "may not." Secretary Ranji stated the information on arrests is used differently. She said the fact that FBI may not have arrest information doesn't bother her; employers don't see records even if they are in the report DSCYF gets back from FBI. Patricia Justice from DHSS noted that employers at long-term care facilities see arrests and convictions, and while they don't consider the arrests they have the ability to see them. The individual who is doing the hiring also gets to see that information. Ms. Sawyer said the FBI reports for some organizations are being sent addressed to an employee care of their employer. A Task Force member responded that this is the practice of some non-profit agencies and everything goes back to the organization, so that they would see arrest information coming back. Secretary Ranji stated the Department would delve more deeply into the information Praesidium provided and will report back at the next meeting.

### **3. Exploring Potential Task Force Recommendations**

Next the group moved to the recommendations document. The first topic addressed was for whom background record checks should be required. Secretary Ranji noted right now we have an exemption for private schools, after school care facilities and school break facilities. The question is should we require the checks, and if so, should we do anything with regard to their current employees. As an alternative, should we say if they don't have to do background checks that they have to inform parents they do not do background checks. The same scenarios apply

for summer camps. Jim Purcell raised a question about in-school volunteers and others who are non-district employees in terms of who performs the check. He noted that as an organization they perform the check, but they want to make sure staff don't go through multiple checks. Secretary Ranji confirmed he was asking if someone doesn't work for a school but is going there then who is responsible for the check. Mr. Purcell raised the question as to whether one check could be done and in these types of cases, which one would supersede. For example, when a school has mentors like Big Brothers Big Sisters coming into the school, does the organization do the checks or does the school. Angeline Rivello from DOE stated that districts have different policies for background record checks for volunteers. Some districts require everyone who will be in the school to have a check, and some only require those who may be one-on-one with a child. The code says to do a check if someone is left alone with children and some districts take that to mean any adult. The code isn't clear. Mr. Purcell responded the language needs to be tightened. A Task Force member noted it is the same for contractors. Secretary Ranji responded that it doesn't seem that checks should have to be done twice. She suggested the Task Force would need to decide who should have checks so that it's not a district-by-district decision. The question of who gets it done could be answered at the district level. Ms. Rivello responded that with substitutes it's usually in their contract that they need background checks. The district doesn't take on those background record checks, but they would do a random audit of the people they're contracted with to see that the vendor can pull checks when asked. This requirement is not written into every contract, particularly not maintenance.

Secretary Ranji asked what schools do about parent volunteers. Ms. Rivello said it varies. In some districts parents are required to get background record checks to go on a field trip. In other districts they allow parents to volunteer as long as they're with teachers. Code is not abundantly

clear that you should have all volunteers checked. Ms. Dailey Lewis stated she worked on a case where some schools were allowing random volunteers to accompany students on field trips. Robert Scoglietti said some contracts have background record check requirements. Secretary Ranji noted that as part of the Task Force report we could request that districts see if people are already required to do background record checks. Senator Lopez agreed that is important. He noted big companies do the larger projects, and it would be good to think they already require background checks. If they will be doing a lot of work through state contracts then they may be a group to work with. Angeline Rivello noted people might be left alone with kids if in the building, even if we wouldn't expect them to be. A Task Force member noted libraries have no mandate for background checks and they are resisting that change. However, Read Aloud has background checks for staff. Some of the contract libraries in Wilmington or others seem to be in a grey area. Secretary Ranji responded the issue is that you go to a school, camp, or child care and leave your child. That might also be the case in libraries, but not always. We also talk about this with other places kids are dropped off – for example dance or karate. It is difficult to fathom how far you can go with the requirements. There is a risk there and it's a question of how much we can mitigate with a background check requirement.

Mr. Purcell stated a major issue is that some schools are not in the business of doing background checks for mentors and training of mentors. They go to Big Brothers Big Sisters, for example, and they provide the service then his organization coordinates volunteers in the schools. Some schools have not wanted other entities to handle background checks and have wanted to do it on their own. Audits have shown some schools don't have any records of background checks or training being done on the mentors working in the school. He stated there is a need to tighten up who does what and the education piece is key. Large corporations will

often say we've done a background check their employees and they're fine. The duration of time with the students could be multiple times a week for hours, and some mentors may be with a student in the community. Big Brothers Big Sisters does checks above and beyond for that. Mr. Purcell requested we tighten definitions around volunteers in the schools.

Next, Secretary Ranji discussed summer camps with the group. Last summer the department did an emergency regulation for camps, requiring checks to be run through DELJIS. Camps were grateful for it being done in an easy and affordable way. They recognized the importance of the process. Secretary Ranji asked the groups thoughts on whether or not checks should be required for camps. Ms. Rivello responded that one of the previous questions related to camps was knowing how many exist and she asked if we want to address that. Secretary Ranji stated we could address that going forward. The product of our work will be we know a lot more about who is operating. In theory most camps should be getting a permit from the Division of Public Health. If a camp is going to comply with background check requirements then we would also be pointing them to get a permit from Public Health. A Task Force member asked if we have a definition for summer camp. Secretary Ranji stated we would go back and look at the definition of a camp. Secretary Ranji asked if anyone is opposed to requiring some level of background record checks for camps, subject to how we are defining summer camp. Brendan Kennealey responded he has the same perspective for summer camps and private schools. He likes the second option for private schools, which would mean there are clear Delaware minimum standards that private schools and/or camps would have to at least meet or exceed. If they don't, then they would be required to inform parents or constituents that they are not meeting the Delaware standard. He noted it is a nuance, but he likes it better than a mandate. For the private schools it would be a better sell and likely with the same result. If parents get a letter that says

their child is attending a school that does not get criminal background checks on employees, that school may not last. This option may be more palatable by the private schools, which are often opposed to mandates. Ms. Dailey Lewis responded we would need to attach a penalty if schools fail to do so. She would want it posted at the front door and laid out in clear ways for people. Sending a letter home in backpack doesn't work. She also noted she doesn't worry about Salesianum or other large private schools; her worry is more about camps and schools where children may be from families whose parents may not have as many choices. There has to be a way to enforce the policy. Secretary Ranji responded that enforcement would be an issue either way. Ms. Dailey Lewis responded that background checks could be easy to enforce if programs have to send in documentation. A Task Force member stated there would need to be a penalty either way and Mr. Kennealey agreed. Secretary Ranji stated enforcement and penalty would be challenges because there isn't staff to go and check what is being done. Likely something will come up and people will or will not be compliant.

A Task Force member noted she serves on CPAC as a private citizen and had children graduate from private schools, and yet doesn't understand why differentiate when we're talking about safety. She questioned why we treat private schools differently. Mr. Kennealey stated he could take this information back to the private schools to get their feedback. He also noted he has been looking for clear guidelines to implement at his school. Other private schools may also be looking for guidelines, and bigger private schools will likely want to be on board. He acknowledged the concerns expressed about smaller schools that might be off the radar and that the situation may be the same with camps. He noted he thinks we will end up with the same result and have everyone on board. It may be better outcomes to have private schools do what they prefer. Secretary Ranji said from the private school perspective it might be a slippery slope.

She said she would love to have background record checks be mandated, but when thinking about this decision there are important considerations about what applies to private schools. Currently, the law only requires that private schools register the school and register what kids attend with DOE. Ms. Rivello responded they also have to comply with occupancy and health. Secretary Ranji noted that is basic safety, and she questioned where do you draw the line that says if you're going to operate this is what you need to have. Mr. Purcell said it's not how you do it its whether you do it or not and the purpose is to meet the requirement for safety purposes just like you have to meet building code. He questioned why we wouldn't we have set standards for operation of a facility that has students. It has nothing to do with how you educate the child or what you do in that building, rather it has to do with safety.

A Task Force member noted that based on the earlier comments about lack of regulation it is unclear whom private schools would report to and what the mechanism would be to ensure this is happening. The Task Force member questioned if they would report to DOE, DSCYF, or another agency, and if there are penalties for noncompliance then who would enforce that. Secretary Ranji said right now all DOE requires from private schools a list of students attending. DOE doesn't know everyone that works there. If we require background checks or a notice to parents about not doing checks then we will have some issue with enforcement. It becomes more of an issue when something happens. She suggested we could have a situation where a few times a year we say we want to see staff lists and evidence of background checks. We will be limited in terms of enforceability. Ms. Rivello stated there is no enforcement of criminal background checks at public schools. She would assume DOE would take action if schools were not doing checks, whether that is a corrective action letter or something else. She noted there hasn't been a situation where they found out the checks weren't happening in the public schools.



Secretary Ranji said she thinks it is part of how schools are operating. The point is we don't check to see if they have it. It may be different when extending a requirement to those that haven't done it yet. Representative Bolden suggested there could be a meeting with human resources representatives from the schools. Ms. Rivello stated she meets with school representatives quarterly. Representative Bolden member said they could they meet to discuss and find out concerns, and human resources representatives could come together in a central place. This might help address the issues of having one person do follow up with all schools. There could be a conference or meeting where all persons in charge of checks come together, and they can provide paperwork to show they are doing it. Ms. Rivello asked if she is referring to compliance monitoring. Representative Bolden said she doesn't see staff going to all the schools to make sure they are following regulations. Whoever is in charge at each school could be responsible for having those conversations and the appropriate information. Ms. Rivello responded that 9,000 teachers were checked last year for traditional and charter schools. She said it gets less clear for volunteers and contractors. The process is consistent for substitutes, paraprofessionals, secretaries and other full time staff members.

David Mangler stated individuals required to get a license through the Division of Professional Regulation (DPR) do not get a license unless background check results are cleared. Ms. Rivello responded that is not case for teachers. Mr. Mangler said individuals who are required to be licensed are going to get background checks cleared or the employer won't be able to continue through the HR process. The challenge is that for the rest of individuals in healthcare the choke point is HR and the agency that placed requirements for Child Protection Registry and Adult Abuse Registry. It then becomes incumbent on HR departments to be the clearinghouse. He stated he couldn't foresee any other kind of model that takes that HR responsibility and puts

it somewhere else. The only difference with the license is that it is separate from the HR function with the employer. With DOE, the license piece is separate from the hiring/employment piece. It's where you put hiring and requirements together and the only way to monitor that is through agencies that have requirements about operating a licensed facility. If it's not a requirement for licensed facilities then it becomes an issue of monitoring. Ms. Rivello said the issue for teachers is it is only good for a year for the license if not continuously employed. If background checks were made part of the licensing requirement it could be difficult for someone that doesn't get a job. Mr. Mangler responded they just laid out a requirement across the division that says that if they have an application and the person hasn't become licensed within 12 months then they need another background report. Since the person hasn't been licensed then they can't capture information in rap back.

Karen DeRasmo of PCAD raised the point of the importance of education. One of the strongest advocates is going to be consumers. If we can let families know what should be done then the penalty will become obvious to camps and schools because children won't enroll. We need to keep in mind the connection between parent/family and consumer in making those decisions. Parents probably think private schools are doing background checks. It's a similar issue as quality child care and needing to educate what quality child care is, otherwise there would be no real push for quality. The conversation is taking place and we want the same conversation in this arena. Secretary Ranji responded that most parents know when choosing a private school for their kids that it has fewer regulations, but many might not know they are choosing a school that is not required and may not be doing criminal background checks on employees. Parents might expect this is something schools have to do. It could be a good process to say schools need to inform parents so they can make good choices. Ms. Dailey Lewis

responded that she worries about people not able to advocate for themselves and their children. Some people might not understand background record checks. If you have a poster that says there may be people working here who are on the sex offender registry that may get people's attention. Tower Hill and Tatnall are examples of where there were arrests in schools where parents thought background checks were getting done. Ms. Rivello responded that in one of the cases there wouldn't have been information because the person had been working there so long and there wasn't a requirement to go back. A Task Force member noted that's why education and prevention is critical. Without prevention and education we can't get where we need to be. Mr. Kennealey responded he agrees with what was shared. If the state comes up with list of clear standards – and education could be one of those – then the schools will know with what we need to comply. Then, schools need to inform parents if they are meeting the requirements or not. He stated he thinks this impacts kids at every part of the spectrum. Ms. Dailey Lewis clarified that the reactions in one school compared to another is different when parents learn about not having background checks. Mr. Kennealey responded that if something goes out to all parents and says the school does not meet the state standard for background checks then all parents are going to listen to that.

Representative Bolden asked if background checks take place once per year. Ms. Rivello responded that there is one check when hired. Rap back has not been completely worked out. Secretary Ranji said a lot give notice now, but they don't have to go back for checks. The same is true for child care providers. Ms. Dailey Lewis stated they have offered to send schools the same type of information they do for kids for teachers about arrests. Ms. Rivello said an MOU between DELJIS and the state payroll system was supposed to start in September, but there were glitches and it didn't start. It's not a bad system, but it doesn't talk well to other systems.

Secretary Ranji responded that for the K-12 system we should say that whoever doesn't have rap back should be added in. Ms. Rivello noted Red Clay and some other districts have collective bargaining agreements that say a person has 48 hours to report arrests to the employer. This is not true for every district and is not as good as rap back. Mr. Scogleitti stated he could follow up about the status of rap back for DOE.

Secretary Ranji brought the group back to a possible recommendation for summer camps. She asked for the group's thoughts, subject to the type of checks and the definition of camps. She asked if we want to require background record checks for camps. Ms. Dailey Lewis made a motion to require checks for camps, and the motion was seconded. Mr. Scogleitti noted he was struck by what we don't know about camps and suggested we expand our recommendation to how we implement it. Without an implementation strategy that identifies who is out there and gets us to the point where we have a comprehensive system, we are set up for failure. Secretary Ranji responded that we are adding to something that already exists, and have a few different ways to do the checks. She suggested that since we don't know how many camps there are that this check could be more along the lines of private or DELJIS until we get a handle on volume and can build infrastructure. We know we have a way to get it done and have to choose a way that makes sense in terms of fiscal, staffing and organizationally. All voted in favor of making a recommendation to require background record checks for summer camps, subject to the type of checks and the definition of camps. No one opposed and no one abstained.

Secretary Ranji stated that for private schools the group discussed recommending a mandate that would set a baseline for background record checks and would require schools to get parent sign off acknowledgement they have been informed if their child's school is not meeting the minimum requirements set by the state. Mr. Kennealey made a motion and the motion was

seconded. Ms. Dailey Lewis said we would need more detail about how parents will be advised, including whether individually or in a group setting. Mr. Kennealey responded a school may have to inform parents in an individual letter or some way that is part of main information to parents informing them the school is not meeting the minimum safety standard. Ms. Dailey Lewis asked if we could require what was done with bullying where the law is stated and then the school states how they comply. If they don't meet the baseline then they would be audited every couple of years to make sure comply with informing parents. If schools haven't complied with sharing information then they would be put under corrective action plan. Senator Lopez asked why the bullying law did not also apply to private schools. Ms. Dailey Lewis responded that under Title 14 they didn't have authority to extend the regulation to private schools. Mr. Kennealey said he doesn't know enough about regulation but thinks if there is legal code in the information then no one will look at it. Rather it could be like a surgeon general's warning type communication where it is explained that a school is not meeting safety standard; something very clear to parents in main admissions brochure, website and/or letter that goes to parents. Ms. Dailey Lewis responded that the bullying information doesn't include legal language. She agreed it needs to be clearly laid out on the school website and in posters and other places whether or not the school is compliant. She also expressed concern for if the information is just for families of current students, because then parents may not find out until their child is enrolled. Mr. Kennealey responded he would require it in the admissions application. Secretary Ranji said parents should have to sign and acknowledge, even on the application, that they understand background checks are not done. Mr. Kennealey agreed that to require a signature on the application would be appropriate. Ms. Dailey Lewis asked to clarify that there would be a penalty attached to schools that do not comply. Secretary Ranji confirmed. Mr. Scogleitti asked

what the penalty is for noncompliance with the bullying law. Ms. Dailey Lewis said the penalty is corrective action plan. Failure to report bullying is a misdemeanor. With failing to report child abuse it is a civil prosecution with penalty up to \$10,000. Secretary Ranji said some level of penalty would be appropriate. She summarized the motion. The Task Force will recommend establishing bare minimum background record check requirements for private schools. If any school chooses not to comply then they will have to inform parents, including in the admissions application through separate sign off acknowledging that they understand the school is not meeting minimum safety requirements for background record checks for staff members. Senator Lopez stated if between meetings we find another way to make that recommendation better then we can. Secretary Ranji stated we would work on the language. Ms. Dailey Lewis confirmed that there would be acknowledgement if a school were not doing checks. A Task Force member stated that a separate issue would be the type of background check. All present voted in favor, with no votes in opposition and no abstentions.

Next, the group discussed the possible recommendation related to conviction of a crime against a minor. Secretary Ranji said at the last meeting the group discussed lifetime prohibitions if someone committed a crime against a child. If both people were minors, for example, with adolescent altercation then that would mean a lifetime prohibition. She provided the example of DSCYF not being able to hire someone because of an altercation as a teenager. Ms. Sawyer noted the prohibition originates from sexual assault. Ms. Dailey Lewis said it depends on the level of crime. For example, you could have 14-year-old kid convicted of rape with a 12 year old. Some kids have cognitive disabilities who may be older than another kid but not able to comprehend. She stated if someone has a serious offense they should be prohibited. Age is not as important as the nature of the crime. Ms. Sawyer responded that a 14 year old

couldn't be charged with statutory sexual assault. Ms. Dailey Lewis said that would not be the case if a child had a disability. She shared concern about using a blanket four years as it's not always as clear as it seems. Secretary Ranji responded that we could look at types of crimes. We need to look at the different elements, not in terms of age but also the type of crime. Ms. Dailey Lewis said the arrest rate has dropped by 40%. DOJ does not approve mutual combatant fights in schools. To be charged as an adult a kid would need to have a significant history. Secretary Ranji provided the example of two kids getting into a fight. They probably don't think it will stay with them forever. Secretary Ranji said we would look at offenses and try to find a better way to get at this issue.

Next, the group discussed setting baseline prohibitions. At the last meeting the group reviewed the chart to capture prohibitions based on employment. From there, a baseline was put together for input. For individuals with direct access to children – schools, child care, health care, etc. – they would be prohibited if at level 3 or 4 on the Child Protection Registry (goes up to 4). For level 3, there would be a 7-year minimum, and for level 4 it would be lifetime prohibition. Any conviction of a felony would be lifetime, and non-felony against children would be 5 years with additional time depending on the employer. Other crimes may be prohibited as relevant to position or job-related duties that may depend on role. The way we're talking about this is as a minimum, and around this we would put the right language. Currently it is in code in all different ways. We would have best practice type language to build around it so we are sure we're getting what we want. She stated at a minimum there would be prohibition for these circumstances and more could be added for particular professions, whether that is through statute or regulation. Ms. Rivello asked if this would end up referring to the same title, or if existing titles would be amended. Secretary Ranji said that if we were starting today we would

do one title to have clean language. Since we are starting from where we are that may not make sense. Ms. Sawyer stated we may also want to add that if an individual was convicted of any offense contained within level 3 and 4 of the Child Protection Registry then they are also prohibited. Secretary Ranji responded that if someone is substantiated then they are in the registry, or also convicted. The distinction would be if you are convicted then you would automatically be at level 3 or 4. Ms. Sawyer noted that this would then cover all offenses against children. Any felony or non-felony offense, or sexually related offenses would be covered. Representative Bolden asked how spanking factors in. Ms. Sawyer responded that it would only apply if someone were convicted as a result. Representative Bolden stated she has concerns about taking rights away from parents, particularly poor families who are trying to maintain discipline. Secretary Ranji said this would not impact that, as this doesn't broaden what gets considered as a crime. Ms. Dailey Lewis expressed concerned about blanket convictions for any felony. When prosecuting there are a lot of felonies in white-collar offenses. For example, burglary in the 3<sup>rd</sup> is going into building with intent to commit a crime, even if the person doesn't commit a crime. Certain graffiti's are felonies. Mr. Mangler said until the last 6 months the felony bar for licensure had been removed through a waiver provision in law. Now, as a result of SB 98, there is a permanent bar to licensure and it is only for felonies of a sexual nature. Secretary Ranji asked if other types of violent felonies included. Ms. Dailey Lewis responded there are some things in the code that should be violent felonies that aren't. There are too many non-violent offenses that are felonies. Secretary Ranji asked about doing felony crimes against a person. Ms. Rivello stated there was an incident of theft from PTA and it rose to a licensure investigation. The person was at a high need school in Wilmington and they revoked the license. Because of the law and violent felonies the person wasn't charged with violent felony. Secretary



Ranji responded it might be too narrow to do felony against a person. She suggested we could consider felonies against a person as lifetime and other felonies as 5 year, and beyond that is discretion. Ms. Rivello agreed that would be better. Even though this isn't part of licensure, it will help. Secretary Ranji said there can be additions elsewhere. Mr. Mangler stated in regulations each of the boards had to define what substantially related crimes were. Secretary Ranji said we could use language like this. Ms. Rivello responded she understands if the issue is not related to the job. Mr. Mangler noted he has an issue in putting that kind of language in there without providing some qualifiers that might close the door to individuals. Secretary Ranji said we would set a floor and employers could choose more if they would like to do so. The difference is we would have a baseline. Ms. Rivello responded that part of the problem is there isn't a floor in terms of employment. Code says "may" not hire. "May" holds no weight. Mr. Kennealey agreed with setting a floor and noted lifetime prohibition only seems appropriate if most directly related. Secretary Ranji stated we are talking about lifetime prohibition for felony conviction against a person, which are pretty serious crimes. Ms. Sawyer those would be the most serious injury to someone else, and a felony sex crime may be rape. Secretary Ranji stated we could provide the list at the next meeting so that everyone knows what we are talking about. A Task Force member confirmed we are talking about conviction and not just charged.

Secretary Ranji reminded the group that the Task Force recommendations will go into a report that will be shared with the general assembly and the Governor. She noted we would change felony to against a person for lifetime prohibition. Other felonies are 5 years. We will bring a list of felonies against a person to the next meeting. We already have the language related to substantially related to professional work. Secretary Ranji requested a motion to recommend establishing baseline prohibitions. Mr. Mangler made a motion and the motion was

seconded. All but one voted in favor and there were no oppositions. Representative Bolden abstained from voting.

The next potential recommendation the group discussed was the idea of having a civil substantiation process like we have for intra familial abuse for extra familial cases. That is something CPAC has thought about taking up, and this would be pushing for CPAC to consider that issue. The recommendation would say someone who has the right people at the table should look at this. Ms. Dailey Lewis agreed this has to be looked at and made a motion. Mr. Scogleitti asked what civil substantiation is. Secretary Ranji said if there is an allegation of abuse DSCYF investigates it and if it is substantiated then the person is added to the registry. This is separate of what happened on criminal side. She noted this recommendation asks if we should have something similar for non-family members. The question is if someone is alleged to have committed abuse should we have a civil investigation and registry for extra familial. Ms. Dailey Lewis said right now a person could be on the registry if they committed a crime or if the criminal process can't go forward. There are multiple layers of protection. The department is not putting people on the registry for non-familial unless they have been criminally convicted. Ms. Sawyer stated even if someone is convicted of a crime and its extra familial then it doesn't go on the registry. For example, Bradley wouldn't be on the registry, though he would be on the sex offender registry. Secretary Ranji stated this would establish a process to capture that information. Ms. Dailey Lewis responded if teachers committed abuse they wouldn't be on the registry, but if it was against their own children then they would. Mr. Kennealey acknowledged the registry sounds like list on side of people we can't convict but might not be guilty. Secretary Ranji noted that the group that includes all of the relevant entities in the state would be responsible for considering if something like an extra familial registry should be established.

Ms. Dailey Lewis stated that the Adult Abuse Registry doesn't have to be just family. A Task Force member asked for clarification and provided the example of a coach found guilty of abusing a child. Secretary Ranji stated that the criminal conviction would go on the person's history but it wouldn't be on the Child Protection Registry, which is a civil registry. There is a big difference between being on the registry and a conviction. The registry is only used in narrow confidential situations for employment purposes. Mr. Mangler responded that an analogy is that a board can take civil action against a licensee. A board would consider disciplinary actions and whether or not they are an issue for licensure. There is due process all along. Ms. Dailey Lewis made a motion to recommend exploring adding extra familial members to the Child Protection Registry or another database. The motion was seconded. All voted in favor and no one voted in opposition. There were no abstentions.

Secretary Ranji stated the next potential recommendation addresses how we know for which crimes the victim is a minor. In some cases it is known and in other cases it is not clear. Beth Kramer talked at a past meeting about challenges not knowing if victim was a minor. A Task Force member referenced a CPAC meeting where this was discussed. Ms. Dailey Lewis stated when she reads the report and can see date of birth and can tell if a victim was a child. The same thing exists for the elderly and being able to see if the victim is over age 62. Secretary Ranji stated a need to figure out how we can get that information through the background checks. She noted we could follow up with Jen Donahue to see as referring to at the CPAC meeting. A Task Force member stated Peggy Bell at DELJIS might know more also.

Ms. Rivello asked whether or not recommendations about further exploration would be included in report. Secretary Ranji responded if we vote on them then it would indicate need for additional work. This would be a way to capture what needs to be done next. Secretary Ranji

noted that for the question about use of third party background check providers Deborah from the YMCA had offered to continue work with one of the private providers if state wanted to run prints through the SBI and FBI process to see where we end up after six months. Then we could see where the differences are for Delaware providers. Some of the issues in other state are not the same issues we have in Delaware.

Another area for exploration would determine how to make decisions on things not prohibited by code. This would build on a tool for others to use that may not have the same understanding of crimes. Secretary Ranji noted we may also look at licensure standards and how they align, particularly for DOE. The last item is the issue of looking at a consolidated background record checks unit.

#### **4. Next Steps**

Task Force recommendations will continue to be discussed at the next meeting. The department will begin to draft the Task Force report.

#### **5. Public Comment**

#### **6. Adjournment**